



Cooper Mills Comms Law Bulletin

ACMA 'proposals' to change telemarketing rules

6 June 2011



COOPER

Level 4
459 Little Collins Street
Melbourne VIC 3000
Australia
t: (03) 9866 8850
f: (03) 9645 0069
e: peter.moon@coopermills.com.au
www.coopermills.com.au



Contents

Contents.....	1
Part A – Introduction	2
Part B – Proposed changes.....	2
1. Saturday calling times.....	2
2. Provision of information	2
3. Automated systems.....	2
4. Additional CLI requirement.....	3
5. Persuading reticent callees.....	3
6. New name	3
7. Discussion paper.....	3
Part C – Written submissions invited.....	3
Part D – Timetable	3



Part A – Introduction

The Australian Communications and Media Authority foreshadows changes to telemarketing rules contained in the *Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007*.

Part B – Proposed changes

1. Saturday calling times

Currently, legal dialling hours on Saturday are 9am to 5pm.

It is proposed to change that to 10am to 5pm.

2. Provision of information

The rules about information provision are to be re-written. They overlap with current rules. The new scheme will be:

(a) Immediately at start of call, give:

- agent's name
- purpose of call
- client's name

(b) Immediately on request, give:

- agent's employee number / identifier
- name and contact details¹ of telemarketer company
- client's contact details
- name and contact details for complaints officer re agent, telemarketer company or client

(c) Within 7 days of request, give:

- where or who dialled number was obtained from
- who call was intended for
- name & contact details of entity that supplied dialled number
- name & contact details of entity that supplied name of intended callee.

3. Automated systems

Automated systems (eg synthetic voice) must have a mechanism to allow information requests eg 'Push 9 to speak to an operator if you have any queries.'

¹ Contact details means an Australian phone number that is answered during business hours in place callee is, plus ONE of street address, postal address, email address.



4. Additional CLI requirement

In addition to the existing requirement to ensure that CLI is enabled, callers must make reasonable efforts to ensure that when calls are made, the displayed CLI number is a number which is suitable for return call by a callee.

5. Persuading reticent callees

The current Standard requires an agent to terminate a call if the callee is or seems unwilling, unless they actually say they want the call to continue.

ACMA considers that some agents ‘twist the arm’ of reticent callees to get them to agree to talk.

The new Standard says that once a callee states or indicates unwillingness, the agent must immediately terminate ... without further ado.

6. New name

It will be called the *Telemarketing and Research Calls Industry Standard 2011*.

7. Discussion paper

A discussion paper with the actual wording of the amendments is at:

www.acma.gov.au/webwr/assets/main/lib312161/ifc18-2011_proposed_revisions-telemarketing_industry_standard.pdf

Part C – Written submissions invited

ACMA will receive written submissions on the proposed changes until close of business, Monday 11 July 2011.

By email: donotcallsubmissions@acma.gov.au

By post: Manager – Do Not Call Register Section
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne Vic 8010

Part D – Timetable

ACMA intends:

- to receive submissions until 11 July 2011
- to finalise the new Standard and have it in force by September 2011.

Peter Moon

Erhan Karabardak

Cooper Mills Lawyers